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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/585,935

07/13/2006

Stefaan Penne

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9278

23364 7590 04/06/2009

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EXAMINER

GRABOWSKI, KYLE ROBERT

ART UNIT

PAPER NUMBER

3725

MAIL DATE

DELIVERY MODE

04/06/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/585,935	<b>Applicant(s)</b> PENNE, STEFAAN	
	<b>Examiner</b> Kyle Grabowski	<b>Art Unit</b> 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/13/06, 09/15/08</u> .                                      | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 7 is objected to because of the following informalities: there is no proper antecedent basis for the "said guide". It is believed to be a typographical error intended to elicit "said quire" and it will be treated as such. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Sowden (US 4,364,737).
4. In respect to claims 1-3, Sowden discloses a method for binding a quire formed of folded sheet slipped into each other, comprising providing at least one cut through the sheets of the quire as of a short distance from the folding edge of the quire wherein every cut through a sheet of the quire defines a lip (formed from T-shaped section 7, Fig. 1) extending mainly crosswise from the folding edge of the quire (see Fig. 7); the lip is connected to the quire with its far end (formed by 20, which doesn't penetrate, Fig. 1)

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which is turned toward the folding edge and wherein the lip has a widening (formed by 19, Fig. 1) situated at a distance from the far end of the lip (Abstract).

5. In respect to claims 4-6, Sowden further discloses that the cut is provided slantingly in relation to the surface of the quires (i.e. the surface of the cut is diagonal at 41a, Fig. 7); the cut is realized by a profiled die 40 having a cutting portion 41, the profile die is only pushed partly through the quire (i.e. the non-cutting portion of the profiled die 40 does not penetrate the quire, Fig. 7).

6. In respect to claim 7, Swoden further discloses wires 10 and 11 which partly roll up the quire (Col. 3, 41-47, Fig. 1).

7. In respect to claim 8, Swoden further discloses several cuts may be made by the device at the same distance from the folding edge (Fig. 6).

8. In respect to claim 9, Swoden further discloses the lips are pushed through, resulting in meshing under the bottom of the sheet (Col. 1, 55-62)

9. In respect to claims 10-12, Sowden discloses the claimed subject matter for the reasons stated above, and additionally discloses: a table 2 and cutting means comprising a knife 7; the cutting edge of knife toward the folding edge of the quire 20 and situated away from an opposite cutting edge 19 of the knife, is a larger distance from the table during axial penetration (Fig. 2). (The difference in distance between the cutting edge and non-cutting edge can also be seen more clearly in the embodiment of Figure 7);

10. In respect to claims 13-15, Swoden further discloses a recess 17 whaving a shape which corresponds to the contour form of the cut to be formed (which is of course

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the same shape as knife 7, also T-shaped) (Fig. 1); table 2 includes wires 10 and 11 which constitute a stop for the quire and clamping means 18 for the quire (Fig. 1).

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle Grabowski whose telephone number is (571)270-3518. The examiner can normally be reached on Monday-Thursday, every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on (571)272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kyle Grabowski/  
Examiner, Art Unit 3725

/Dana Ross/  
Supervisory Patent Examiner, Art  
Unit 3725